

Message Text

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ORIGIN OPIC-06

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NEA/PAB:DBARCHARD

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FM SECSTATE WASHDC

TO AMEMBASSY DACCA IMMEDIATE

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E.O. 11652: N/A

TAGS: EFIN

SUBJECT:BELBAGCO COMPENSATION CLAIM

REF: (A) DACCA 3346; (B) DACCA 2988; (C) DACCA 1905

1. OPIC, AS SUBROGEE OF BELBAGCO, WOULD LIKE TO ENGAGE COUNSEL IN DACCA TO GENERALLY ASSIST OPIC IN THE PURSUIT OF ITS CLAIM AGAINST THE BDG FOR THE NATIONALIZATION OF BANGLADESH FABRICS CO. ("BFC") AND TO ADVISE OPIC ON POINTS OF LOCAL BANGLADESH-PAKISTANI LAW FOR PURPOSES OF ANY FURTHER RESPONSE TO THE BDG'S REJECTION OF THE BELBAGCO CLAIM SHOULD THE BDG CONTINUE TO MAINTAIN THE POSITIONS STATED IN ITS JUNE 25, 1976 LETTER TO THE AMBASSADOR (REFTEL A).

2. BELBAGCO'S FORMER COUNSEL IN DACCA WAS RAFIQUE-UL-HUQ; HOWEVER BELBAGCO ADVISES OPIC THAT HUQ WAS RETAINED PRIMARILY FOR HIS ACCESS TO THE BDG ATTORNEY GENERAL AND THAT OPIC MIGHT RECEIVE BETTER SERVICES FROM AN ATTORNEY IN DACCA BY THE NAME OF ALTAF HUSSAIN. OPIC ALSO UNDERSTANDS THAT MANY COMPANIES PURSUING COMPENSATION FROM THE BDG (I.E. ASSOCIATED BAGGING CORPORATION) HAVE ENGAGED MAUDID AHMED OF THE DACCA LAW FIRM OF LAW CONSULTANTS. OPIC WOULD

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APPRECIATE THE EMBASSY'S EVALUATION OF THESE ATTORNEYS, IN

TERMS OF COMPETENCE AND THEIR ABILITY, BY REASON OF EITHER

THEIR CONTACTS AND/OR CONFLICTS OF INTEREST, TO EFFECTIVELY REPRESENT OPIC.

3. THE TIMING FOR ENGAGING LOCAL COUNSEL IS QUITE URGENT IN VIEW OF THE SEPTEMBER 15, 1976 DEADLINE ISSUED BY THE BDG FOR FILING CLAIMS FOR COMPENSATION FOR NATIONALIZED PROPERTIES (REFTEL B). IN THIS CONNECTION OPIC NEEDS TO:

(A) CONFIRM THAT THE BELBAGCO CLAIM HAS BEEN FULLY PERFECTED FOR PURPOSES OF THE SEPTEMBER 15, 1976 DEADLINE NOTWITHSTANDING THE JUNE 25, 1976 LETTER OF INDUSTRIES SECRETARY HAQ (REFTEL A).

(B) DETERMINE WHETHER THE BDG REQUIRES ANY FURTHER DOCUMENTATION TO BE FILED OR ACTION TAKEN BY EITHER OPIC OR BELBAGCO, PRIOR TO OR AFTER SEPTEMBER 15, 1976 (I) TO ALLOW OPIC, AS SUBROGEE, TO PURSUE BELBAGCO'S CLAIM IN ITS OWN NAME OR (II) TO ALLOW BELBAGCO TO ACT AS AGENT FOR OPIC IN PURSUIT OF OPIC'S RIGHT TO COMPENSATION AS SUBROGEE OF BELBAGCO.

4. TO FURTHER ASSIST OPIC'S INTERNAL ANALYSIS OF THE BDG'S REJECTION OF THE BELBAGCO CLAIM, THE EMBASSY'S ASSISTANCE WOULD BE APPRECIATED IN OBTAINING THE FOLLOWING DOCUMENTS AND INFORMATION:

(A) THE APRIL 27, 1976 AND JUNE 16, 1976 LETTERS OF THE EMBASSY REFERRED TO IN REFTEL (A) PARAS 1 AND 3.

(B) COPIES OF THE FOLLOWING LAWS AND ORDERS:

(I) BANGLADESH (PAKISTAN) COMPANIES ACT OF 1913

(II) PRESIDENTIAL ORDER NO. 48, MAY 27, 1972

(III) PRESIDENTIAL ORDER NO. 28

(C) APART FROM WHAT HAS BEEN PREVIOUSLY COMMUNICATED BY DACCA CABLES ON THE SUBJECT, WHAT SPECIFIC ACTS, DECREES (OTHER THAN PRESIDENTIAL ORDERS 16 AND 27) POLICIES, LIMITED OFFICIAL USE

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ADMINISTRATIVE ACTIONS, OR WRITTEN COMMUNICATIONS CAN OPIC REFER TO IN DEMONSTRATING THAT BFC HAS BEEN OPERATED:

(I) UNDER THE CONTROL OF AND FOR THE EXCLUSIVE BENEFIT OF THE BDG .

(II) PURSUANT TO PRESIDENTIAL ORDER 27 AS OPPOSED TO PRESIDENTIAL ORDER 16.

(D) WAS BFC REFERRED TO IN CONNECTION WITH THE BDG'S
ANNOUNCEMENT OF ITS INTENTION TO "DISINVEST" CERTAIN

ABANDONED PROPERTIES. SEE REFTEL (C).

5. OPIC REGRETS THE EXTENT OF THE BURDEN WHICH THE FORE-
GOING REQUESTS PLACES ON EMBASSY. HOWEVER, ESPECIALLY IN
THE CASE OF THE INFORMATION REQUESTED IN PARA 4(C), EMBASSY
APPEARS TO BE THE ONLY SOURCE FOR HARD INFORMATION NEEDED
BY OPIC IN PREPARATION OF ITS POSITION.

6. OPIC HOPES THAT SUGGESTED RESPONSE TO BDG LETTER OF
JUNE 25, 1976, AS COMMUNICATED IN SEPTTEL, IS HELPFUL TO
EMBASSY AND BDG. ROBINSON

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